

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN

IN RE: KEITH L CARTER
1022 SOUTH MAIN
ELKHART, IN 46516

CASE NO: DK-20-02661
Chapter 13
HON. SCOTT W. DALES
Filed: Aug 17, 2020

Confirmed: Nov 25, 2020

AMENDED TRUSTEE'S MOTION TO DISMISS CHAPTER 13 CASE

NOW COMES, Barbara P. Foley, Chapter 13 Trustee ("Trustee") and files her Motion to Dismiss for the following reasons:

FAILURE TO TURN OVER THE NET 2020 INCOME TAX REFUNDS OF \$771.00. FAILURE TO PROVIDE THE TRUSTEE WITH AMENDED SCHEDULES I AND J AND CURRENT PAY DOCUMENTATION WITHIN 45 DAYS OF THE ANNIVERSARY OF THE CONFIRMATION DATE AS REQUIRED BY 11 U.S.C. 521(F)(4)(B). WITHOUT THE ANNUAL BUDGET REVIEW, THE TRUSTEE HAS BEEN UNABLE TO DETERMINE WHETHER DEBTORS ARE COMPLYING WITH THE REQUIREMENT IN PROVISION IV.A. OF THE CONFIRMED PLAN TO PAY ALL DISPOSABLE INCOME TO THE CHAPTER 13 CASE. ONCE PROVIDED WITH UPDATED BUDGET INFORMATION, THE TRUSTEE MAY ASSERT THAT THERE HAS BEEN A MATERIAL DEFAULT WITH RESPECT TO A TERM OF THE CONFIRMED PLAN UNDER 11 U.S.C. 1307(C)(6).

WHEREFORE, your Trustee respectfully prays:

- A. That this Court enter an Order dismissing the Debtor's Chapter 13 Case.
- B. That this Court grant such other relief as it finds just and equitable.
- C. Upon dismissal of the Chapter 13 case, the Trustee has cause pursuant to 11 U.S.C. § 349(b) and may retain any funds on hand for such time as is necessary to accommodate the dishonor or recall period appropriate to the method of payment received.

Nov 18, 2021

/s/ Barbara P. Foley

Barbara P. Foley (P34558)
CHAPTER 13 TRUSTEE
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This document has been electronically filed with the Court and the Attorney for Debtor and mailed to the Debtor.

Attorney for Debtor:

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